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TO THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON DECEMBER 12, 2001
Arthur K. Lappegard
AGENT/ATTORNEY FOR APPLICANT
12/12/01
DATE

Attorney Docket No. 1189

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Lappegard et al	Date:	December 12, 2001
Serial No.:	09/718,754	Group Art Unit:	1638
Filed:	November 22, 2000	Examiner:	Baum, Stuart F
For:	Seed-Preferred Regulatory Elements and Uses Thereof		

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

This response is responsive to the Office Action mailed November 16, 2001.

Applicant elects with traverse the claims of Group I (claims 1-3, 6-7, 11-12, 17 and 21) drawn to an isolated regulatory element capable of driving transcription in a seed-preferred manner using SEQ ID NO:1.

Under MPEP 803 the Examiner is requested to examine claims to independent or distinct inventions if the examination does not place an undue burden on the Examiner. It is submitted that the isolated regulatory element of SEQ ID NO:1 (claims of Group I) and the expression cassettes comprising the regulatory element natively associated with maize Jip1 (claim of Group V), are sufficiently closely related so as to be examined in one application. Likewise, the claims of

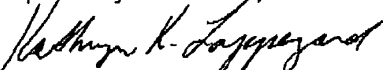
Serial No. 09/718,754
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Group VIII, drawn to expression cassettes comprising a regulatory element natively associated with maize Jip1 operably linked to a coding sequence, plants and seeds thereof, and a method of using the expression cassette to selectively express a coding sequence are all under the disclosure of the present application.

The MPEP 808.01 states that inventions are independent: "where they are not connected in design, operation, or effect *under the disclosure* of the particular application under consideration...." The disclosure of the present invention clearly connects the inventions of Groups I, V and VIII.

It is therefore submitted that Groups I, V, and VIII are sufficiently closely related to be combined without undue burden.

Respectfully submitted,


Kathryn K Lappegard
Agent for Applicants
Registration No. 46,857

PIONEER HI-BRED INTERNATIONAL, INC.
Corporate Intellectual Property
7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000
Phone: (515) 253-5707
Facsimile: (515) 334-6883

12/12/01 WED 12:30 FAX 515 334 6883

PIONEER HI-BRED DSM

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Serial No. 09/718,754
Group Art Unit: 1638

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CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

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7100 N.W. 62nd Avenue
P.O. Box 1000
Johnston, Iowa 50131-1000

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GROUP 1600

Phone: (515) 253-5707
Fax: (515) 334-6883

OFFICIAL

TO: EXAMINER STUART F. BAUM
FROM: KATHRYN LAPPEGARD
RE: U.S. PATENT APPLICATION SERIAL NO. 09/718,754
DATE: 12/12/01 FAX NUMBER: (703) 872-9306
NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 1

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RESPONSE TO RESTRICTION REQUIREMENT/2 PAGES

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